



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 | |
| COMMITTEE: Higher Education | | | |
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THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Dear Chairman Shields and members of the House Higher Education Committee, InterVarsity Christian Fellowship/USA supports over 1000 student-led chapters on over 700 campuses across the country. In Missouri, we sponsor 23 student- and faculty-led chapters on 13 campuses. InterVarsity welcomes all students to participate in our activities and to join our groups as members. All that we ask is that the leaders of our diverse groups—fifty-four percent of whom are students of color or international students—embrace our faith in Jesus Christ. Unfortunately, increasing numbers of universities are interpreting otherwise good non-discrimination policies in ways which prohibit religious groups from using religious criteria in leadership selection (e.g., prohibiting Christian student groups from requiring their leaders to be Christian or banning Muslim student groups because they require their leaders to be Muslim.) Missouri students should be protected from this kind of behavior. Therefore, we support HB 134 (the “Bill”) because religious student organization need protection from this kind of administrative overreach by universities and colleges. The problem is national and growing. Recently, three of our chapters which serve the University of Iowa faced derecognition because they require their leaders to be Christians. InterVarsity is not the only religious group that has been targeted. In July 2018, when the University of Iowa officially deregistered InterVarsity, it also deregistered other student groups, including the Sikh Awareness Club, the Chinese Student Christian Fellowship, the Imam Mahdi Organization, Geneva Campus Ministry, and the Latter-day Saint Student Association. And on February 1, 2019, the university admitted in federal court that it has placed 32 religious groups—and only religious groups—on a type of probationary status pending the resolution of ongoing litigation. To be clear, InterVarsity supports good non-discrimination policies and believes that they should be used to protect against invidious discrimination. But those otherwise good policies are being misinterpreted in ways which selectively prohibit religious groups from using religious criteria in leadership selection. It makes no sense to prohibit Christian student groups from requiring their leaders to be Christian or ban Muslim student groups because they require their leaders to be Muslim. Non-discrimination requirements should protect rather than penalize religious groups that want to retain their distinct religious character. Unfortunately, this problem is not limited to our InterVarsity chapter at the University of Iowa. InterVarsity recently faced similar problems nationwide, including at Michigan’s Wayne State University (where we have filed a similar lawsuit after the university abruptly derecognized a 75-year old chapter), University of New Mexico, University of Montana, and Northern Colorado University. Why religious student groups need religious student leaders InterVarsity values a tolerant, inclusive, welcoming campus environment; therefore, our groups welcome all students to be active participants and members. In fact, nearly 26% of InterVarsity’s active participants do not identify as Christians. It’s partially for this reason that religious student groups require clear religious-based criteria for leadership. 1. Religious-based leadership criteria help religious student groups remain

faithful to their original religious tradition, purpose, and goals even as large numbers of non-adherents participate in the group. 2.

Every religious tradition lays down specific requirements for their religious leaders. The Bill protects the right of students to select their religious leaders in a manner that is consistent with their faith, which reflects the best First Amendment jurisprudence and the highest aspirations of a tolerant and diverse campus environment.3.

Religious leadership requirements describe the necessary skills and conditions for student religious leaders to accomplish their religious leadership responsibilities. They insure that religious meetings—bible studies, prayer meetings, mentoring new converts, worship times—are led by people who embrace that religion.

These leadership requirements are akin to the skill requirements commonplace in intercollegiate athletics or in music and drama departments. The Bill under consideration protects religious student groups from discrimination claims in the same way that Title IX protects gender-based athletic teams.

The Bill strengthens current non-discrimination policies. Some with political motives will mischaracterize this bill as a “right to discriminate” bill. We disagree. This bill ensures that university non-discrimination policies achieve their purpose of creating a robust diversity of viewpoints and student groups, including religious student groups.1.

Religious student groups make their most distinct and valuable contribution to campus life when they remain true to their religious purposes. This requires leadership that embraces and embodies specific religious purposes. Religious student groups should be permitted to create leadership teams who can lead worship, prayer, and scripture study with integrity.2.

The bill protects students from state-sponsored overreach. The state of Missouri should not entangle itself in the internal organization of religious groups, and state-sponsored actors like a public university should not be permitted to determine how religious groups interpret and apply their religious teachings (including how they select their religious leaders). True separation of church and state means that Missouri should not pick pastors, rabbis, imams or other religious leaders.3.

Universities that value inclusion should welcome religious communities that authentically represent their religious traditions. They should use non-discrimination policies to encourage, not inhibit, these groups.4. The Bill requires universities to apply their non-discrimination policies equitably, giving religious groups (which require leaders to hold conforming religious beliefs) the same deference they offer to fraternities and sororities (which make membership decisions along gender lines), intercollegiate athletics or performing arts groups (which make membership decisions based, in part, on gender and able-bodied status), and non-religious advocacy groups (which can limit leadership to members who reflect the group’s creed or mission.) 5.

To the extent that Missouri universities and colleges already act in accordance with this bill, it affirms their current practice, imposes no financial cost, and creates no new administrative burden. Without the protections of the Bill, students in Missouri will find it increasingly difficult to find a safe, authentic, and welcoming religious community on campus. This will hurt all students, and we believe that it will particularly impact the retention of ethnic minority students who rely on supportive religious communities on campus. I urge you and your committee to approve the Bill and send it to the full House for a vote.

Also, I respectfully request that this letter be included in the record for this Committee’s hearing on HB 134. Gregory L. Jao



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THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

The Missouri Catholic Conference supports HB 136, which would prohibit public colleges and universities from discriminating against religious student associations. America is a pluralistic society where people of various faith traditions live alongside one another in a state of respectful harmony. In such a pluralistic society, there should be space for on-campus religious groups to operate freely and in accord with their faith tradition, be that Christian, Jewish, Muslim, Buddhist, or atheist. This is especially so in the university setting, where the free exchange of ideas is encouraged as a means of seeking the truth. In recent years, religious groups have been denied access to benefits available to other student groups on some college and university campuses because they ask those in leadership to adhere to a religious system of belief or manner of behavior. From the perspective of the religious groups, the denial of access to campus facilities is unjust and represents discrimination based upon their sincerely held religious beliefs. On the typical American university or college campus, certain political, social, and moral views will be less popular, but they shouldn't be excluded altogether because they may be in the minority. It isn't deemed unjust discrimination for a women's acapella singing group or sorority to limit its membership to women. It shouldn't be deemed unjust discrimination for a Muslim or Christian campus group to ask those seeking a leadership position to sign a statement of faith or belief. Preserving the distinct denominational and religious character of campus religious groups by permitting them to operate in accord with their faith tradition increases the diversity of the university community; it does not diminish it. HB 136 would provide on-campus religious groups the ability to operate consistent with their faith tradition and beliefs. We urge you to vote HB 136 "Do Pass".



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Christian Legal Society supports HB 136, which will provide much needed protection for the ability of religious students to meet on college/university campuses. By passing HB 136, the Legislature will conserve taxpayer dollars by preventing costly litigation that has resulted in other states when public universities adopted policies to exclude religious student groups because the groups require their leaders to share their core religious beliefs. This problem has arisen on many college campuses nationwide and, in 2016, at a public university in Missouri. As this letter will explain:

- HB 136 is a commonsense measure to protect religious students who wish to meet on Missouri college campuses.
- HB 136 allows Missouri public universities to maintain whatever policies they choose so long as their policies permit religious student organizations to choose their leaders according to their religious beliefs.
- HB 136 conserves scarce tax dollars by preventing costly litigation against colleges that adopt policies that exclude religious groups.
- HB 136 would add Missouri to the expanding list of 16 states – Alabama, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Louisiana, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Virginia – that have enacted similar protections for religious or belief-based student groups.

I. For Four Decades, Christian Legal Society Has Defended Religious Student Organizations’ Access to College Campuses. Christian Legal Society (“CLS”) is a national association of Christian attorneys, law students, and law professors. CLS has attorney chapters located in cities throughout the U.S., including St. Louis and Kansas City. CLS has student chapters at law schools nationwide, including at the University of Missouri - Kansas City, University of Missouri - Columbia, and Washington University. CLS law student chapters typically are small groups of students who meet for weekly prayer, Bible study, and worship at a time and place convenient to the students. All students are welcome at CLS meetings. As Christian churches have done for nearly two millennia, CLS requires its leaders to agree with a statement of faith, signifying agreement with the traditional Christian beliefs that define CLS. CLS has long believed that pluralism, essential to a free society, prospers only when the First Amendment rights of all Americans are protected regardless of the current popularity of their speech or religious beliefs. For that reason, CLS was instrumental in the passage of the federal Equal Access Act of 1984, 20 U.S.C. §§ 4071 et seq., that protects the right of all students, including religious student groups and LGBT student groups, to meet for “religious, political, philosophical or other” speech on public secondary school campuses. Christian Legal Society’s religious liberty advocacy arm, the Center for Law & Religious Freedom, has worked for over forty years to secure equal access for religious student groups in the public education context, including higher education. Its staff has testified twice before the Subcommittee on the Constitution and Civil Justice of the Judiciary Committee of the United States House of Representatives on the issue of protecting religious student organizations on college campuses.

II. Religious Student Associations Need the Protection that HB 136 Will Provide. HB 136 is a

commonsense measure intended to protect religious student associations' meetings on college campuses by prohibiting public college administrators from denying them meeting space because a religious student association requires its leaders or members to:

- adhere to the association's sincerely held religious beliefs;
- comply with the association's sincere religious practice requirements;
- comply with the association's sincere religious standards of conduct; or
- be committed to furthering the association's religious mission.

Of course, it is common sense – and basic religious freedom – for a religious association to expect its leaders to agree with the association's religious beliefs, practices, standards of conduct, and mission. It should be common ground that government officials, including college administrators, should not interfere with religious associations' religious beliefs, practices, standards of conduct, or mission. Unfortunately, this is a recurrent problem on many college campuses across the country, from California to Idaho, from Oklahoma to Ohio. HB 136 would prevent such problems from recurring in Missouri by protecting Missouri students' basic religious freedom. In so doing, Missouri would join a growing list of states that have adopted similar protections for religious student associations.

A. In its landmark decision in *Widmar v. Vincent*, the U.S. Supreme Court held that the University of Missouri - Kansas City could not condition campus access on religious groups' promise not to engage in religious speech. In the late 1970s, some university administrators began to claim that the Establishment Clause would be violated if religious student groups were allowed to meet in empty classrooms to discuss their religious beliefs on the same basis as other student groups were allowed to meet to discuss their political, social, or philosophical beliefs. The administrators claimed that merely providing heat and light in these unused classrooms gave impermissible financial support to the students' religious beliefs, even though free heat and light were provided to all student groups. The administrators also claimed that college students were "impressionable" and would believe that the university endorsed religious student groups' beliefs, despite the fact that hundreds of student groups with diverse and contradictory ideological beliefs were allowed to meet. In the landmark case of *Widmar v. Vincent*, the Supreme Court rejected these arguments by the University of Missouri - Kansas City. In an 8-1 ruling, the Court held that UMKC violated the religious student associations' speech and association rights by "discriminat[ing] against student groups and speakers based on their desire to use a generally open forum to engage in religious worship and discussion. These are forms of speech and association protected by the First Amendment." In other words, religious student groups have a First Amendment right to meet on public university campuses for religious speech and association. The Court then held that the federal and state establishment clauses were not violated by allowing religious student associations access to public college campuses. The Court ruled that college students understand that simply allowing a student group to meet on campus does not mean that the University endorses or promotes the students' religious speech, teaching, worship, or beliefs. As the Court observed in a subsequent equal access case that protected high school students' religious meetings, "the proposition that schools do not endorse everything they fail to censor is not complicated." The Supreme Court has reaffirmed *Widmar's* reasoning in numerous cases. In each case, the Court ruled that an educational institution did not endorse a religious association's beliefs simply because it provided the religious association with meeting space. Access does not equal endorsement.

B. Discrimination against religious student groups continues. After the Supreme Court made clear that the Establishment Clause could not justify exclusion of religious student groups, some university administrators began to claim that university nondiscrimination policies were violated if the religious student groups required their leaders to agree with their religious beliefs. These administrators began to threaten religious student groups with exclusion from campus if they required their leaders to agree with the groups' religious beliefs. It is common sense and basic religious freedom – not discrimination – for religious groups to expect their leaders to share the groups' religious beliefs. Nondiscrimination policies serve valuable and important purposes. Ironically, one of the most important purposes of a college's nondiscrimination policy is to protect religious students on campus. Something has gone seriously wrong when college administrators use nondiscrimination policies to punish religious student groups for being religious. Exclusion of religious student groups actually undermines the purpose of a nondiscrimination policy and the good it serves. Such misuse of nondiscrimination policies is unnecessary. Nondiscrimination policies and students' religious freedom are eminently compatible, as shown by the many universities with nondiscrimination policies that explicitly recognize the right of religious groups to require that their leaders share the groups' religious beliefs. Unfortunately, some universities have chosen to misuse their nondiscrimination policies to exclude religious student associations from campus. Alternatively, some universities have excluded religious student associations by claiming to have what they call "all-comers" policies, which purport to prohibit all student associations from requiring their leaders to agree with the associations' political, philosophical, religious, or other beliefs. However, a true "all-comers" policy rarely, if ever, actually exists. By way of recent example, in the 2015-2016 academic year, Indiana University announced that it intended to change its policy. Under the new policy, the university specifically stated that a religious

student group “would not be permitted to forbid someone of a different religion, or someone non-religious, from running for a leadership position within the [religious group].” Only after months of criticism from alumni and political leaders, as well as the threat of litigation, did Indiana University revert to its prior policy of allowing religious student groups to choose their leaders according to their religious beliefs. Also in the 2015-2016 academic year, a religious student organization at Southeast Missouri State University had its recognition revoked by the student government because it refused to insert a newly required nondiscrimination statement into its constitution. The group tried to persuade the student government to allow religious groups to have religious leadership requirements; however, the student government voted against adding language to its bylaws to protect religious groups’ right to have religious leadership requirements. After this vote, additional religious groups communicated to the administration that they would not remove their religious leadership requirements from their constitutions. After several months, the administration sent the religious organizations letters stating that the student government had voted to “abandon their non-discrimination statement and to replace it with the University’s non-discrimination statement.” However, university policies still lack written protection for the right of religious groups to have religious leadership requirements. In 2021, student governments at the University of Idaho and the University of Virginia similarly tried to penalize religious student groups because they required their leaders to agree with their religious beliefs. Because the Idaho and Virginia legislatures had the foresight to pass laws to protect religious student groups on public university campuses, the university administrators expeditiously reversed the student governments’ discriminatory actions against the religious student organizations in both instances. The universities not only avoided needless litigation, but also sent religious students (and their parents) the reassuring message that they were welcome on their campuses. HB 136 allows Missouri’s public universities and colleges to have whatever policies they wish. HB 136 only requires that whatever policy a college chooses to have must respect religious student groups’ right to choose their leaders according to their religious beliefs. HB 136 thereby protects Missouri public colleges/universities, and the taxpayers that fund them, from costly litigation. Equally importantly, HB 136 protects religious students from discrimination on Missouri campuses and secures their basic freedoms of speech and religion. C. HB 136 would avoid the problems that other states have experienced and that some states have addressed through similar legislation.

1. California State University excluded religious student associations with religious leadership requirements from its 23 campuses, including religious groups that had met on its campuses for over forty years. The California State University comprises 23 campuses with 437,000 students. In 2014, Cal State denied recognition to several religious student associations, including Chi Alpha, InterVarsity, and Cru. For example, the student president of a religious student association that had met on the Cal State Northridge campus for forty years received a letter that read: This correspondence is to inform you that effective immediately, your student organization, Rejoyce in Jesus Campus Fellowship, will no longer be recognized by California State University, Northridge. The letter then listed seven basic benefits that the religious student association had lost because it required its student leaders to agree with its religious beliefs, including: (1) free access to a room on campus for its meetings; (2) the ability to recruit new student members through club fairs; and (3) access to a university-issued email account or website. As the letter explained, “[g]roups of students not recognized by the university . . . will be charged the off-campus rate and will not be eligible to receive two free meetings per week in [university] rooms.” As a result, some religious student groups faced paying thousands of dollars for room reservations and insurance coverage that were otherwise free to other student groups. The problem arose because Cal State re-interpreted its nondiscrimination policy to prohibit religious student groups from having religious leadership requirements. But in announcing that religious student groups could not have religious leadership requirements, Cal State explicitly and unfairly allowed fraternities and sororities to continue to engage in sex discrimination in selecting their leaders and members.

2. The Tennessee General Assembly passed legislation similar to HB 136 after Vanderbilt University excluded fourteen Catholic and evangelical Christian organizations from campus, including a Christian group because it required its leaders to have a “personal commitment to Jesus Christ.” In 2011, Vanderbilt University administrators informed the CLS student chapter at Vanderbilt Law School that the mere expectation that its leaders would lead its Bible studies, prayer, and worship was “religious discrimination.” CLS’s requirement that its leaders agree with its core religious beliefs was also deemed to be “religious discrimination.” Vanderbilt told another Christian student group that it could remain a recognized student organization only if it deleted five words from its constitution: that its leaders have a “personal commitment to Jesus Christ.” The students left campus rather than recant their commitment to Jesus Christ. Catholic and evangelical Christian students patiently explained to the Vanderbilt administration that nondiscrimination policies should protect, not exclude, religious organizations from campus. But in April 2012, Vanderbilt denied recognition to fourteen Christian organizations. While religious organizations could not keep their religious leadership requirements, Vanderbilt permitted fraternities and sororities to engage in sex discrimination in selecting leaders and

members. After Vanderbilt adopted its new policy, the University of Tennessee reportedly claimed to have a similar policy. In response, the Tennessee General Assembly enacted T.C.A. § 49-7-156 to protect the right of a religious student association on a public college campus to “require[] that only persons professing the faith of the group and comporting themselves in conformity with it qualify to serve as members or leaders.”³ The Kansas Legislature passed legislation similar to HB 136 in order to protect religious student associations at Kansas public universities. In 2016, the Kansas Legislature enacted K.S.A. §§ 60-5311 – 60-5313 in order to ensure that Kansas taxpayers’ money would not be spent on unnecessary litigation resulting from its public universities misinterpreting existing policies -- or adopting future policies -- to exclude religious groups from campus because they had religious leadership requirements. In 2004, the CLS student chapter at Washburn School of Law had allowed an individual student to lead a Bible study. But it became clear that the student did not hold CLS’s traditional Christian beliefs. CLS told the student he was welcome to attend future CLS Bible studies, but that he would not be allowed to lead them. Even though the student admitted that he disagreed with CLS’s religious beliefs, he filed a “religious discrimination” complaint with the Washburn Student Bar Association, which threatened to penalize CLS for its refusal to allow a student who disagreed with its religious beliefs to lead its Bible study. Only after CLS filed a federal lawsuit did the Student Bar Association reverse course.⁴ The Oklahoma Legislature passed legislation similar to HB 136 in order to protect religious student associations at Oklahoma public universities. In 2011, the University of Oklahoma Student Association sent a memorandum to all registered student organizations that would prohibit religious student associations’ religious leadership and membership criteria. After unwelcome publicity, the university disavowed the student government’s memorandum. In 2014, the Oklahoma Legislature enacted language similar to HB 136. The “Exercise of Religion by Higher Education Students Act,” 70 Okl. St. Ann. § 2119, protects students’ religious expression at Oklahoma universities and colleges. It protects religious student organizations from exclusion from state college campuses because of their religious expression or because they require their leaders to agree with the organizations’ core religious beliefs.⁵ The Idaho Legislature passed legislation similar to HB 136 after Boise State University threatened religious student associations with exclusion. In 2008, the Boise State University student government threatened to exclude several religious organizations from campus, claiming that their religious leadership requirements were discriminatory. The BSU student government informed one religious group that its requirement that its leaders “be in good moral standing, exhibiting a lifestyle that is worthy of a Christian as outlined in the Bible” violated the student government’s policy. The student government also found that the group’s citation in its constitution of Matthew 18:15-17 violated the policy. The student government informed a religious group that “not allowing members to serve as officers due to their religious beliefs” conflicted with BSU’s policy. In response to a threatened lawsuit, BSU agreed to allow religious organizations to maintain religious leadership criteria. In 2012, however, BSU informed the religious organizations that it intended to adopt a new policy, which would exclude religious organizations with religious leadership requirements. In response, the Idaho Legislature enacted Idaho Code § 33-107D to prohibit colleges from “tak[ing] any action or enforc[ing] any policy that would deny a religious student group any benefit available to any other student group based on the religious student group’s requirement that its leaders adhere to its sincerely held religious beliefs or standards of conduct.” In 2021, the University of Idaho College of Law student government delayed recognizing the CLS student organization because of its religious leadership requirements. After CLS’s counsel wrote a letter to the University administration noting the Idaho law, the University administration granted recognition to the CLS students as an official student organization.⁶ The Ohio Legislature passed legislation like HB 136 after The Ohio State University threatened to exclude religious student associations if they required their leaders to share the associations’ religious beliefs. In 2003-2004, the CLS student chapter at the OSU College of Law was threatened with exclusion because of its religious beliefs. After months of trying to reason with OSU administrators, a lawsuit was filed, which was dismissed after OSU revised its policy “to allow student organizations formed to foster or affirm sincerely held religious beliefs to adopt a nondiscrimination statement consistent with those beliefs in lieu of adopting the University’s nondiscrimination policy.” Religious groups then met without problem from 2005-2010. In 2010, however, OSU asked the student government whether it should change its policy to no longer allow religious groups to have religious leadership and membership requirements. The undergraduate and graduate student governments voted to remove protection for religious student groups. In response, in 2011, the Ohio Legislature prohibited public universities from “tak[ing] any action or enforc[ing] any policy that would deny a religious student group any benefit available to any other student group based on the religious student group’s requirement that its leaders or members adhere to its sincerely held religious beliefs or standards of conduct.” Ohio Rev. Code § 3345.023.⁷ The Arizona Legislature passed legislation to protect religious student associations and students’ religious expression. In 2011, Arizona enacted A.R.S. § 15-1863, which protects religious student associations’ choice of their leaders and members. In 2004, Arizona State University College of Law had threatened to deny recognition to a

CLS student chapter because it limited leadership and voting membership to students who shared its religious beliefs. A lawsuit was dismissed when the University agreed to allow religious student groups to have religious leadership and membership requirements. 8. The Virginia General Assembly, North Carolina General Assembly, Kentucky Legislature, Louisiana State Legislature, and Arkansas General Assembly also have passed legislation to protect religious student associations' religious freedom. To protect religious student organizations that had sometimes been threatened with exclusion from various University of North Carolina campuses, the North Carolina General Assembly enacted N.C.G.S.A. §§ 115D-20.1 & 116-40.12. The law prohibits colleges from denying recognition to a student organization because it "determine[s] that only persons professing the faith or mission of the group, and comporting themselves in conformity with, are qualified to serve as leaders of the organization." N.C.G.S.A. § 116-40.12. The Virginia General Assembly passed a similar law in 2013 (Va. Code Ann. § 23-9.2:12), as did the Kentucky Legislature in 2017 (Ky. Rev. Stat. Ann. § 164.348 (4)), the Louisiana State Legislature in 2018 (LSA-R.S. 17:3399.33), and the Arkansas General Assembly in February 2019 (A.C.A. § 6-60-1006). D. HB 136 aligns with federal and state nondiscrimination laws that typically protect religious organizations' ability to choose their leadership on the basis of religious belief. No federal or state law, regulation, or court ruling requires a college to adopt a policy that prohibits religious groups from having religious criteria for their leaders and members. To the contrary, federal and state nondiscrimination laws typically protect religious organizations' ability to choose their leaders on the basis of their religious beliefs. The leading example, of course, is the federal Title VII, which explicitly provides that religious associations' use of religious criteria in their employment decisions does not violate the Civil Rights Act of 1964 and its prohibition on religious discrimination in employment. In three separate provisions, Title VII exempts religious associations from its general prohibition on religious discrimination in employment. 42 U.S.C. § 2000e-1(a) (does not apply to religious associations "with respect to the employment of individuals of a particular religion to perform work connected with the carrying on" of the associations' activities); 42 U.S.C. § 2000e-2(e)(2) (educational institution may "employ employees of a particular religion" if it is controlled by a religious association or if its curriculum "is directed toward the propagation of a particular religion"); 42 U.S.C. § 2000e-2(e)(1) (any employer may hire on the basis of religion "in those certain instances where religion ... is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."). In 1987, the Supreme Court upheld the constitutionality of Title VII's exemption against an Establishment Clause challenge. Concurring in the opinion with Justice Marshall, Justice Brennan insisted that "religious organizations have an interest in autonomy in ordering their internal affairs, so that they may be free to ... select their own leaders, define their own doctrines, resolve their own disputes, and run their own institutions." In 2012, in *Hosanna-Tabor Evangelical Lutheran Church and Sch. v. EEOC*, the Supreme Court unanimously rejected the federal government's argument that federal nondiscrimination laws could be used to trump religious associations' leadership decisions. The Court acknowledged that nondiscrimination laws are "undoubtedly important. But so too is the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission." In their concurrence, Justice Alito and Justice Kagan stressed that "[r]eligious groups are the archetype of associations formed for expressive purposes, and their fundamental rights surely include the freedom to choose who is qualified to serve as a voice for their faith." E. HB 136 will conserve taxpayers' dollars by preempting costly lawsuits. HB 136 will help Missouri's colleges avoid costly litigation for which the taxpayers and students foot the bill. HB 136 protects colleges from adopting policies that are highly problematic. Such policies expose colleges – and state taxpayers – to costly lawsuits. As seen in Section C, sometimes the impetus for policies that harm religious groups comes from student government rather than university administrators. HB 136 provides administrators with a substantive reason for resisting student government's potential harassment of, and discrimination against, religious student associations. Judge Kenneth Ripple of the Federal Court of Appeals for the Seventh Circuit has explained why misinterpretation of nondiscrimination policies places a particular burden on religious groups: For many groups, the intrusive burden established by this requirement can be assuaged partially by defining the group or membership to include those who, although they do not share the dominant, immutable characteristic, otherwise sympathize with the group's views. Most groups dedicated to forwarding the rights of a "protected" group are able to couch their membership requirements in terms of shared beliefs, as opposed to shared status. Religious students, however, do not have this luxury—their shared beliefs coincide with their shared status. They cannot otherwise define themselves and not run afoul of the nondiscrimination policy.... The Catholic Newman Center cannot restrict its leadership—those who organize and lead weekly worship services—to members in good standing of the Catholic Church without violating the policy. Groups whose main purpose is to engage in the exercise of religious freedoms do not possess the same means of accommodating the heavy hand of the State. The net result of this selective policy is therefore to marginalize in the life of the institution those activities, practices and discourses that are religiously based. While those who

espouse other causes may control their membership and come together for mutual support, others, including those exercising one of our most fundamental liberties—the right to free exercise of one's religion—cannot, at least on equal terms. Conclusion HB 136 is needed to ensure that religious students continue to be welcome and respected on Missouri campuses. If university students are taught that the government can dictate to religious groups what religious beliefs their leaders may or may not hold, religious freedom will be diminished not just for the religious students on campus, but eventually for all Missourians whose religious freedom will be at risk if their fellow citizens hold such an impoverished understanding of this most basic human right. Yours truly, Laura Nammo
Center for Law and Religious Freedom
Christian Legal Society (703) 894-1087
laura@clsnet.org



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 | |
| COMMITTEE: Higher Education | | | |
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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: LORI D KEPNER | | PHONE NUMBER: 928-600-7433 | |
| BUSINESS/ORGANIZATION NAME: CRU | | TITLE: LEGAL COUNSEL | |
| ADDRESS: 100 LAKE HART DRIVE – 3500 | | | |
| CITY: ORLANDO | | STATE: FL | ZIP: 32832 |
| EMAIL: lori.kepner@cru.org | ATTENDANCE: Written | SUBMIT DATE: 2/20/2023 1:24 PM | |
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Re: Hearing on HB 136 regarding belief-based student associations, on February 22, 2023 at 4pm. Dear Chairwoman Shields and Members of the Committee: Cru (previously named Campus Crusade for Christ) supports HB 136. As an associate legal counsel for Cru, I write today to offer Cru’s perspective as an organization with many religious student chapters all over the country. In Missouri alone, Cru has had thousands of students involved in our chapters at public universities and colleges over the years, providing support and bringing depth to their college experience. Cru has long respected the campus environment as a place where students can have robust discussion and hear and dialogue about diverse opinions and perspectives on life and learning. Religious groups contribute to campus life at universities in important ways. They help meet students’ spiritual needs, provide needed emotional support, and regularly participate in service activities on campus and in the community. Cru supports nondiscrimination policies and welcomes any student to participate in and become a member of its chapters. Yet, for religious groups to authentically pursue their purposes, they must be allowed to be religious by ensuring that their leaders can authentically teach and live out the faiths they represent. We appreciate that this bill focuses on protecting leadership selection. An organization needs to be able to pursue its mission and maintain its identity. Every organization, therefore, expects its leaders to agree with and pursue its goals, as the leaders are tasked with carrying out the organization’s mission. Leadership qualifications are often especially important for religious groups, because for many religious adherents, religious understanding and the ability to teach religious tenets and practices involves more than intellect and knowledge; it also involves religious belief and experience. To prohibit religious leadership criteria for religious student groups, just because it is religious in nature, instead leads to fundamental unfairness for religious groups, and results in discrimination against religious groups, rather than preventing it. No group should be forced to choose between following its faith and losing student organization status or compromising the integrity of its religious identity in order to remain on campus. Diversity is beautiful and essential on the college campus, including ideological and religious diversity. HB 136 will help to preserve diversity on Missouri campuses by allowing religious groups to be religious, thereby contributing to dialogue, tolerance, and understanding of perspectives different from one’s own. The principles underlying HB 136 are also consistent with Supreme Court precedent. The Supreme Court has long recognized the importance of religious groups not being treated differently because they are religious. See, e.g., *Widmar v. Vincent*, 454 U.S. 263 (1981); *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995); *Board of Regents of the University of Wisconsin System v. Southworth*, 529 U.S. 217 (2000); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019-2021 (2017). The Supreme Court made clear in both *Trinity Lutheran*, 137 S.Ct. at 2021, and in *Espinoza v. Montana Dep’t of Revenue*, 140 S. Ct. 2246 (2020), that government policies and laws may not “impose special

disabilities on the basis of religious status.” Espinoza, 140 S.Ct. at 2254. The Espinoza court further clarified that the government may not disqualify “otherwise eligible recipients from a public benefit solely because of their religious character.” *Id.* The benefits of being officially recognized as a student organization on a public university are significant. It is in the government’s interest to ensure that religious groups are given the same opportunities given to other student organizations. In fact, it is particularly important to preserve the internal religious autonomy of religious groups so that the government is not entangling itself in religious affairs. *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2060 (2020); see also *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694 (2012). The 8th Circuit has even more recently noted that it is clearly established law that it violates First Amendment law when a public university derecognizes religious student groups because they have religious leadership requirements, while treating other groups differently. *InterVarsity Christian Fellowship/USA v. University of Iowa*, 5 F.4th 855 (8th Cir. 2021). The University of Iowa derecognized almost every religious group on their campus, including Sikh, Muslim, Protestant, and more, simply due to their requirement that their leaders agree with their religious beliefs. In a similar situation, Wayne State University derecognized a religious group because of its leadership standards, applying its policy inconsistently. *InterVarsity Christian Fellowship/USA v. Bd. of Governors of Wayne State Univ.*, 534 F. Supp. 3d 785 (E.D. Mich. 2021). Students involved in many religious organizations all over the country have personal stories of being treated differently as religious groups. These challenges do not always result in formal court proceedings, but are extremely disruptive to students’ college experiences. Cru Chapters have faced such challenges, both along the coasts and in the heartland of this nation. Cru has found that when universities target religious groups and treat them as suspicious because they expect leaders to agree with their beliefs, it greatly harms those student associations, causing them to lose momentum, the credibility that an official status brings, and the opportunity to serve the campus’ needs. It can be difficult to recover and often takes years to rebuild. In addition, when resolution does occur, it can feel ambiguous because students don’t always know if they have achieved a temporary or a permanent fix. Students may then have anxiety each time they seek to register their group, wondering if their common sense desire to have spiritually qualified leaders will be flagged or seen as problematic next time. Cru faced a challenge in 2016 at Southeast Missouri State University, when the Student Government passed a new nondiscrimination policy that applied to all leadership selection, but provided an exception for the Greek System as to gender. This meant that most groups could require agreement with their purposes and beliefs, but religious groups could not do so because their purposes and beliefs were framed around religion and religion is a category in the nondiscrimination statement. Although the policy uniquely disadvantaged religious student organizations, the Student Government rejected an amendment that would have addressed this unequal treatment of religious groups. After several religious groups communicated their concern to the university, they were granted a “temporary University recognition” for the fall of 2016. The Student Government did eventually resolve the problem, but the whole process was drawn out and confusing to students. It was disruptive to their ability to focus on forming caring and supportive communities, which is what most students are looking for in religious student organizations. Cru believes that the leadership selection principle at the heart of HB 136 is important for all religious faiths. Diverse religious groups are in agreement that protecting religious groups is crucial to preserve religious diversity and expression—including many Jewish, Christian, Muslim, and Catholic groups, among others. See, e.g., Slugh, Howard, “Religious Groups Led by Co-Religionists—It Shouldn’t Be Controversial,” Nov 23, 2018, <https://www.nationalreview.com/2018/11/religious-groups-government-must-not-dictate-leaders/>. State legislation upholding student speech and association rights will help to ensure that religious student organizations are treated fairly. Please act to protect religious students in Missouri, preserving their ability to form and find authentic faith-based communities where they can belong, live out their various faiths, and contribute to the rich diversity of viewpoints on the college campus. Sincerely,
/s/ Lori D. Kepner
Ms. Lori D. Kepner
Legal Counsel
Cru—General Counsel’s Office
cc: Dennis Kasper, of Lewis, Brisbois, Bisgaard & Smith, LLP, General Counsel to Cru



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 | |
| COMMITTEE: Higher Education | | | |
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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: P. LOGAN SPENA | | PHONE NUMBER: 202-888-7629 | |
| BUSINESS/ORGANIZATION NAME: ALLIANCE DEFENDING FREEDOM | | TITLE: LEGAL COUNSEL | |
| ADDRESS: 44180 RIVERSIDE PARKWAY | | | |
| CITY: LANSDOWNE | | STATE: VA | ZIP: 20176 |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/22/2023 12:00 AM | |
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| WITNESS NAME | | |
| REGISTERED LOBBYIST: | | |
| WITNESS NAME: TIMOTHY FABER | | PHONE NUMBER: 573-480-2704 |
| REPRESENTING: MISSOURI BAPTIST CONVENTION | | TITLE: |
| ADDRESS: 400 E. HIGH ST. | | |
| CITY: JEFFERSON CITY | | STATE: MO |
| | | ZIP: 65101 |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/22/2023 12:00 AM |
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: WILLIAM PAYNE | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
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| WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: arniedienoff@yahoo.com | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 11:48 PM |
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I am Opposed to this Bill as written. Read between the lines here.



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| WITNESS NAME: AUBREY BREWSTER | | PHONE NUMBER: | |
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| WITNESS NAME | | |
| BUSINESS/ORGANIZATION: | | |
| WITNESS NAME: BRIAN KAYLOR | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: WORD & WAY; CHURCHNET | | TITLE: |
| ADDRESS: PO BOX 1771 | | |
| CITY: JEFFERSON CITY | | STATE: MO |
| | | ZIP: 65101 |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/22/2023 12:00 AM |
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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: BRITTANY WILLIAMS | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: AMERICAN ATHEISTS | | TITLE: STATE POLICY COUNSEL | |
| ADDRESS: | | | |
| CITY: CRANFORD | | STATE: NJ | ZIP: 07016 |
| EMAIL: bwilliams@atheists.org | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 12:35 PM | |
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February 22, 2023
 The Honorable Rep. Brenda Shields
 Chairperson, House Higher Education
 Committee
 Missouri House of Representatives
 201 West Capitol Avenue
 Jefferson City, Missouri
 65101
 Re: **OPPOSE HB 136, Testimony from American Atheists in opposition to campus license to discriminate legislation**
 Dear Chairperson Shields and Members of the House Higher Education
 Committee: American Atheists, on behalf of our constituents in Missouri, writes in opposition to HB 136, a controversial bill that would undermine the ability of public colleges and universities to provide an open and inclusive campus that prohibits discriminatory conduct. Although we believe this bill may be well-intentioned to promote free speech on college and university campuses, as written, the bill would instead allow for invidious discrimination by student organizations. We urge you to reject this bill or at least to amend the legislation to remove its discriminatory elements. American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for religious liberty, American Atheists believes that no young person should be denied educational opportunities based on their religious viewpoint. The majority of public colleges and universities within the US have rules in place that require student organizations to comply with the institution's non-discrimination policy, which generally prohibits discrimination based on race, sex, disability, sexual orientation, religion, and other categories. The US Supreme Court has endorsed this practice as constitutional and in alignment with First Amendment principles of freedom of speech and of assembly. These policies are important because they create an open atmosphere on campuses and foster freedom of speech by prohibiting discrimination and allowing every student to participate fully in student organizations. Research shows that participation in student organizations contributes to overall student satisfaction and success. These organizations provide opportunities for peer-to-peer connection, reduce isolation, develop leadership skills, and relieve stress. Because of these benefits, and to foster student engagement, most public colleges and universities strive to offer a variety of student organizations and to encourage students to participate. On the other hand, if student organizations are allowed to discriminate, it limits the ability of disfavored students (whether due to their religion, sex, sexual orientation, disability, or race) from fully participating in campus life. Unfortunately, HB 136 would undermine these critical student nondiscrimination protections for public colleges and universities in Missouri. The bill provides that: "No public institution of higher learning shall take any adverse action against a belief-based student association or an applicant to be

recognized as such: (a) Because such association is political, ideological, or religious; (b) On the basis of such association's viewpoint or the expression of the viewpoint by the association or the association's members; or (c) Based on such association's requirement that the association's leaders be committed to furthering the association's mission or that the association's leaders adhere to the association's sincerely held beliefs, sincere practice requirements, or sincere standards of conduct." This language would prevent a college or university from enforcing its policies to prevent discrimination, thereby allowing student organizations to exclude students, impose dangerous or discriminatory rules on students, or sanction harassment. Based on this language, for example, a "College Christian Nationalist Club" could form and exclude Jewish Students, Black students, and even Christians with differing beliefs, such as Mormons or Catholics, or those they deem insufficiently pious. They could do so while receiving monies and resources provided by taxpayers and by other students at the institution. By framing this bill as a protection of free speech and framing it in terms of discrimination against organizations (for failing to comply with the rules), the bill masks the fact that it is simply authorizing discrimination against other students. Colleges and universities know their students and their individual cultures better than lawmakers – the state should not apply a one-size-fits-all policy on institutions of higher learning. Instead, colleges and universities and the students that attend them should be free to set appropriate nondiscrimination rules for their campuses. In fact, this bill may conflict with federal and state laws that prohibit discrimination on college campuses, including Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964. Moreover, this provision would make Missouri public institutions of higher education less competitive compared to those of other states and private institutions, as students are much less likely to attend institutions where they could face discrimination, harassment, or exclusion. Finally, students are usually charged a student fee in order to help fund student organizations and pay for the benefits provided to student organizations. However, students should not be forced to pay for student groups that are discriminatory and exclusionary. Public colleges and universities should be welcoming places for all of Missouri's students – not ones where student groups are given free rein to discriminate against fellow students with their own student fees. If you should have any questions regarding American Atheists' opposition to HB 136, please contact me at bwilliams@atheists.org. Sincerely, Brittany Williams
State Policy Counsel
American Atheists



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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 | |
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: CYAN GEORGE | | PHONE NUMBER: | |
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| WITNESS NAME: DAVA-LEIGH BRUSH | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: dems22blue@gmail.com | | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 1:54 PM |

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I might have already submitted testimony but I wanted to be sure. I REALLY oppose this bill. Setting parameters of "ideological alignment" is dangerous. It is meant to be able to exclude people rather than include them. I'm a recovering Catholic who does not subscribe to all dogma of the Church so am I to be excluded from The Newman Center? Can I not join a Bible study group that is run by Baptists? This will also open the door to white supremacy and sexist groups, I fear. College is a time when students struggle to belong, and Maslow teaches that this stage, Love and Belonging, is absolutely necessary before self-esteem and self-actualization. If becoming better humans is a goal of college, and being able to discover who we truly are, if we are to evolve our thinking and world view, then we have to feel like we belong in the world to begin with. Groups save lives. They make college more bearable for students. My son attended college with exactly zero people from his high school, or either of his long term resident cities. He literally knew no one. He bonded with his roommate and found his people, he thought. However end of Freshman year, they all had a falling out, leaving my son alone. I was genuinely worried for him his sophomore year: 6 hour from home, starting over in a new major with new people, in a dorm he didn't choose with a roommate from potluck. It was very rough until he found a club he thought he might like. He found a support group, was able to assume leadership and met lifelong friends in his group, including his soon-to-be fiancée. Thankfully, there was no ideological test for swing dancing or his experience could have been very different and costly in many, many ways. It's time to stand up to religious groups who try to disguise their purpose and re-shape the world in their view only instead of being willing to be one pixel in the picture.



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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: EMILY LOFTIS | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: emily.loftis@mail.missouri.edu | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 1:37 PM |
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I am opposed to this bill because a publicly funded institution, and a group benefiting from those public funds, should not be able to discriminate. Participation and leadership in student organizations is a foundational part of the higher education experience. This bill blatantly targets the LGBTQ+ community, despite that community not being named in the statute. Denying the opportunity to participate in a recognized student organization at a public university due to sexual orientation or any other identity is facially unconstitutional. It also flies in the face of intersectional identities. I am a Christian and a gay woman. Why should I be banned from having any part in the organization or leadership of a Christian organization based on part of my identity? The statute is also overbroad in that ANY belief or politically based organization could feel free to discriminate. This will only hurt minority students, those who have historically been excluded from participation in society. Missouri wastes everyone's time, money, and resources when this legislative body continues to push through unconstitutional statutes. This opens the state up to lawsuits, which will waste precious judicial resources that are better suited to deal with real issues.



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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: GARRETT LIERMAN | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: | ATTENDANCE: | | SUBMIT DATE: 2/22/2023 12:00 AM |
| THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. | | | |



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 |
| COMMITTEE: Higher Education | | |
| TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES | | |
| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: HOLLY ELLEN BERNSTEIN | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: holly.e.bernstein@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/21/2023 9:12 AM |
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Thank you for taking my testimony in opposition to HB 136. My name is Holly Bernstein, and I live in St. Louis County. I have taught mathematics as an adjunct at Washington University in St. Louis, St. Louis University, and Harris Stowe State University. I urge you to oppose HB 136 because this bill would allow for unacceptable discrimination in Missouri institutions of higher education. Student organizations are an important part of campus life, contributing to student satisfaction and success. Colleges should recognize and support all reasonable groups, and all students should have access to these groups. This gives all students a chance to explore different ideas, beliefs, and identities, and also ensures that students with any belief system have equal rights on campus. One way that colleges protect these opportunities and rights is by adopting "accept-all-comers" policies. I know that Harris Stowe had such a policy while I was working there. The rights of colleges to adopt "accept-all-comers" policy was upheld by the Supreme Court in the case Christian Legal Society v. Martinez. Going against this Supreme Court ruling, HB 136 forces colleges to recognize and support student groups that limit their membership based on protected characteristics such as race, sex, religion, national origin, sexual orientation, gender identity, and disability. One of my own children is a college student and falls into four of these protected classes. My child should have the right to decide which student organizations they want to associate with, and also should not have to pay student activity fees towards organizations that will not let them participate! HB 136 undermines the power of public institutions of higher education to safeguard their students from discrimination. The Missouri legislature should not support divisive legislation that fosters discrimination in the state's public institutions of higher education.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 |
| COMMITTEE: Higher Education | | |
| TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES | | |
| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: JAMES NEAL | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: jimmybojames@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 12:34 PM |
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This is an absurd bill. The allowances for “belief-based student associations” and protections they are given are far too broad. This bill would allow student organizations to openly discriminate against or advocate harassment of other students, and to defend such behavior with the assertion that such prejudice is a part of the sincere convictions the organization holds. This leaves public institutions of higher learning with little recourse if the beliefs or convictions of a student association fly in the face of expected student conduct or the baseline behavioral standards the institution holds. As a current college student, I would not want any student association I am a part of to be freely able to uphold and enforce whatever message we want without recourse. I pride myself on the convictions my “belief-based student organizations” hold, and I want these organizations to be accountable to faculty, administrators, and my fellow students, so that “adverse action” will be taken against us if our voice on campus ever becomes one that goes against what we as a university stand for or violates the inherent dignity of any members of our campus community. If the state’s goal is to protect student groups from discrimination, this bill is a step backwards.



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: JAMIE HOWARD | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
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MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: JOSEPH KANE | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: | ATTENDANCE: | | SUBMIT DATE: 2/22/2023 12:00 AM |
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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 |
| COMMITTEE: Higher Education | | |
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: LAURA BURKHARDT | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: aplomb-grove0n@icloud.com | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 8:33 PM |
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This bill allows student groups/organizations at public Missouri institutions of higher education to discriminate. Policies like this tell Missouri residents, visitors, and potential higher Ed students that only some are welcome. This does not move Missouri forward, and it does nothing to help Missouri thrive. This bill is filled with dangerous rhetoric that should stay behind the closed doors of the church it came from. The same could be said for the bill sponsor. If all of our religions/faith/beliefs/lack-thereof are not equally represented in every facet of our government, then none of them should be.



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: LOGAN CARTER | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/22/2023 12:00 AM |
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: MADISON BECKHAM | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: mbf6b@umsystem.edu | | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 1:44 PM |

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Members of the LGBTQ+ community are also members of other communities and it is fundamentally unfair to allow them to be excluded from other things they believe in and identify with. The Supreme Court of the United States has addressed almost this exact thing in Christian Legal Society Chapter v. Martinez. As a law student who has witnessed the discriminatory intent of CLS at my school, why are we sanctioning this kind of behavior? Member of CLS Mizzou are quite literally foaming at the mouth to be able to exclude students who are a part of the LGBT community. The court in Martinez noted that a policy requiring all student organizations to remain open to any and all students in the school was constitutional on its face. The reverse of which however, cannot be held to be true. These organizations are using PUBLIC funds to discriminate. This bill will also present a slippery slope problem. If you allow belief based organizations to discriminate, where will we end up? Quite literally everything is a belief. Should this law go forward, the only members of these organizations will be of the dominant class at that time in history. America is a meritocracy. People should be allowed to prove themselves with equal chance. Prohibiting people with other identities from becoming successful solely on the ground that they are not part of the majority is antithetical to everything that America purports to stand for. This bill is ridiculous, please go take a good long look in the mirror and ask yourself why you're so afraid of those who are different from you.



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| REGISTERED LOBBYIST: | | |
| WITNESS NAME: MAGGIE EDMONDSON | | PHONE NUMBER: |
| REPRESENTING: PRO CHOICE MISSOURI | | TITLE: |
| ADDRESS: 1210 S VANDEVENTER AVE | | |
| CITY: ST. LOUIS | | STATE: MO |
| | | ZIP: 63110 |
| EMAIL: maggie@prochoicemissouri.org | ATTENDANCE: Written | SUBMIT DATE: 2/21/2023 12:49 PM |

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Chair, Vice-Chair, members of the committee I am submitting remarks on behalf of Pro Choice Missouri in opposition to HB 136 that would allow for, and frankly encourage, discrimination amongst fellow classmates in Missouri higher education institutions.



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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: MICHAEL WALK | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: | ATTENDANCE: | | SUBMIT DATE: 2/22/2023 12:00 AM |
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: MICHELLE SCOTT-HUFFMAN | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: | ATTENDANCE: | | SUBMIT DATE: 2/22/2023 12:00 AM |
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: NANCY SLUSARSKI | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: nancy.slu@charter.net | ATTENDANCE: Written | SUBMIT DATE: 2/20/2023 12:29 AM |
| THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. | | |

I am a concerned Missouri resident opposed to HB 136. I find this bill discriminatory in nature and urge that it be tabled in committee. If it should make it's way out I urge a no vote.



MISSOURI HOUSE OF REPRESENTATIVES
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| BILL NUMBER: HB 136 | | DATE: 2/22/2023 | |
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| WITNESS NAME | | | |
| REGISTERED LOBBYIST: | | | |
| WITNESS NAME: NIKOLAS NARTOWICZ | | PHONE NUMBER: | |
| REPRESENTING: AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE | | TITLE: STATE POLICY COUNSEL | |
| ADDRESS: 1310 L ST. NW, STE. 200 | | | |
| CITY: WASHINGTON | | STATE: DC | ZIP: 20009 |
| EMAIL: nartowicz@au.org | ATTENDANCE: Written | SUBMIT DATE: 2/21/2023 11:42 AM | |

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On behalf of the Missouri members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose HB 136, which would exempt religious student organizations and other “belief-based” student groups from nondiscrimination policies at public institutions of higher learning. The bill should be rejected because it could sanction discrimination. Student organizations are an important part of campus life. Research shows that they contribute to overall student satisfaction and success. Having robust non-discrimination policies in place ensures that all students are able to access various organizations and explore different ideas and identities. To prevent discrimination on campus, promote equality and fairness, and foster inclusionary practices for student organizations, many public colleges and universities have “accept-all-comers” policies. These nondiscrimination policies generally withhold funding—which comes from a mandatory student activity fee imposed on students—and official recognition from student groups that are not open to all students. This bill, in contrast, would undermine these policies. HB 136 actually allows clubs to discriminate. For example, a Christian student group could turn away a student because he is gay or she is a single mom. This bill could even allow a white supremacist group to demand university funding and recognition. The bill is also not required by the First Amendment. Any student club can become a recognized group and access funds if it adheres to its school’s nondiscrimination policy. And if a club decides it wants to impose requirements for membership and leadership that conflict with the school policy, it will not be silenced or driven off campus; instead, it, like any other club, simply will not receive official recognition and funding. In fact, the Supreme Court upheld an “accept-all-comers” policy in *Christian Legal Society v. Martinez* against claims that it violated the religious freedom of Christian student groups. The Court explained that the policies do not violate the First Amendment because the denial of benefits is based on the group’s conduct, not their views. The Missouri legislature should not support divisive legislation that fosters discrimination in the state’s public institutions of higher learning. It should not undermine the power of these institutions to safeguard their students from discrimination and mandate that student activity fees paid by all students only support those groups that are open to all students. Thank you for your consideration on this important matter.



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| WITNESS NAME | | | |
| REGISTERED LOBBYIST: | | | |
| WITNESS NAME: OTTO FAJEN | | PHONE NUMBER: 573-634-3202 | |
| REPRESENTING: MISSOURI NEA | | TITLE: LEGISLATIVE DIRECTOR | |
| ADDRESS: 1810 EAST ELM STREET | | | |
| CITY: JEFFERSON CITY | | STATE: MO | ZIP: 65101 |
| EMAIL: otto.fajen@mnea.org | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 5:13 PM | |

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The Association believes that organizations are strengthened by offering memberships on a nondiscriminatory basis. The Association opposes the bill.



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: RACHAEL CADY | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: rachaelkcmo@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/19/2023 2:11 PM |
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This measure would allow student associations to legally discriminate against LGBTQ+ students and automatically create a discriminatory atmosphere. It others LGBTQ+ Christians and allows them to be discriminated against simply for being who they are. This kind of law has no place in Missouri or anywhere else for that matter.



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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: RACHEL SCHOCK | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: schockrachel48@gmail.com | ATTENDANCE: In-Person | SUBMIT DATE: 2/22/2023 2:07 PM |
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My name is Rachel Schock and I live in Columbia, Missouri and am a student at the University of Missouri. I vehemently oppose HB 136 because it would allow belief based student run organizations on public college and university campuses to discriminate against certain groups of people based on “deeply held beliefs” that those people are somehow inferior to others to an extent to where they don’t belong in that organization. No organization should be allowed to discriminate against any group of people based on characteristics that one cannot control. I have met many different people from all sorts of backgrounds through my involvement in student organizations on my university’s campus and I would be devastated if any of my friends were kicked out of an organization based on who they are. Furthermore, so-called “deeply held beliefs” are nothing than an attempt to hide bigotry under the veil of religious, political, or ideological beliefs. I very much appreciate you taking my statement into consideration.- Rachel Schock



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: SARAH LOUISE BRADY | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: bradyh999@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 4:33 PM |
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I beg of you, those considering passing this bill, to reconsider. If passed, this vaguely-worded bill would allow student organizations to discriminate against students whose fundamental existence goes against their "beliefs". This type of hatred and ignorance has no place in higher education, and has no place in Missouri. Religious freedom does not extend to the discrimination of others. We must ask ourselves, what is more important? Should we be protecting students who, for whatever reason, might already be discriminated against for living freely as they are from being alienated further? Or should we protect those who seek to further said alienation? The former aligns with personal freedom, and the latter is meant to allow the freedom to discriminate against other American citizens. Regardless of political ideology, we cannot allow this bill to pass, at least as it exists now.



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: SHERRY L BUCHANAN | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: sherrybuchanan66@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/20/2023 10:30 AM |

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Though I am a strong supporter of academic freedom, freedom of religion, and freedom of assembly, there are elements in HB 136 that I find troublesome. I do not think it would be wise to deny institutions of higher education the right to determine which student organizations to charter. The "political, ideological, or religious" wording of this bill is far too vague and could allow dangerous fringe groups access to institutional resources. "Belief based student association" is also potentially harmful language. Are we to assume that incels, neonazis, white nationalists, or satanists, for example, would be acceptable campus organizations? Certainly, higher education institutions cannot forbid such groups from forming among their student populations, but offering full access to campus resources is not something the state should be mandating. The bill is also unclear regarding "appropriate relief" if a group filed a grievance. As a former governor for Missouri Southern State University, I firmly believe that institutions should be allowed to set their own parameters for chartering student organizations as long as they abide by protected status laws and have legitimate criteria for what constitutes an acceptable student organization. Unless HB 136 is amended to address potential dangers and to clarify terms like "political, ideological, or religious," I oppose it and think that it is a blanket proposition that will not bode well for individual institutions.



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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: SUSAN GIBSON | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: Onesuegibson@protonmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/19/2023 1:23 PM |

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The Missouri Legislature should not support divisive legislation that fosters discrimination in the state's public institutions of higher education. It should not undermine the power of public institutions of higher education to safeguard their students from discrimination and mandate that student activity fees paid by all students only support those groups that are open to all students.



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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: VANESSA WELLBERY | | PHONE NUMBER: 314-534-7526 | |
| BUSINESS/ORGANIZATION NAME: ADVOCATES OF PLANNED PARENTHOOD OF THE ST. LOUIS REGION & SOUTHWEST MISSOURI | | TITLE: VICE PRESIDENT OF POLICY & ADVOCACY | |
| ADDRESS: 4251 FOREST PARK AVE | | | |
| CITY: ST. LOUIS | | STATE: MO | ZIP: 63108 |
| EMAIL: vanessa.wellbery@ppslr.org | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 10:33 PM | |
| THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. | | | |



MISSOURI HOUSE OF REPRESENTATIVES
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: VICTORIA LOIS MANTEL | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: vlmzzb@missouri.edu | ATTENDANCE: Written | SUBMIT DATE: 2/22/2023 2:21 PM |
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HB 136 is facially unconstitutional under the Supreme Court's 2010 decision *Christian Legal Society v. Martinez*. The passage of this bill will unnecessarily open the state of Missouri and its institutions of higher learning to litigation, wasting precious judicial resources that could be utilized elsewhere. In practicality, this bill would allow student associations to discriminate against students seeking leadership positions purely on the basis of those students' protected characteristics. The outcomes of this bill will run contrary to the spirit of higher education. The United States is a meritocracy; all of its institutions should strive to be, as well. No one should be barred from participation in leadership due to one or more of their protected traits. The leaders of the student association should be selected by its members via a democratic process, in which all are allowed to participate. This is the proven method from which leaders emerge. Limiting any field through discrimination runs contrary to the letter of the law and the spirit of our nation. Passage of this bill will be undemocratic, unconstitutional, and, ultimately, anti-American.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

| | | |
|--|-------------------------------|---|
| BILL NUMBER: HB 136 | | DATE: 2/22/2023 |
| COMMITTEE: Higher Education | | |
| TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES | | |
| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: VICTORIA NEAL | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: brightlightpower@gmail.com | ATTENDANCE: Written | SUBMIT DATE: 2/21/2023 10:53 PM |
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I oppose this bill as I believe that higher institutions should be allowed to intervene in any campus based organization if discrimination of any kind is found to exist within said organization.